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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,491	09/29/2006	Carlo Innocenti	891,021	9745
24106 7590 03/08/2010 EGBERT LAW OFFICES 412 MAIN STREET, 7TH FLOOR HOUSTON, TX 77002				
EXAMINER				
COLILLA, DANIEL JAMES				
ART UNIT		PAPER NUMBER		
2854				
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03/08/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/599,491

**Applicant(s)**

INNOCENTI ET AL.

**Examiner**

Daniel J. Colilla

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claim 5 is withdrawn in view of further review of the claim language. Previously, the phrase, "extending outwardly" in claim 1 was interpreted as meaning the ends of the first and second driving shafts rose above a highest edge of the enclosing structure. However, upon further review of the claim language and the specification, it is now believed that applicant simply means extending in a direction away from the bottom of the enclosure. Thus, this is how the claims are now being interpreted. If this is an incorrect interpretation, applicant must clarify the meaning of this language.

### ***Response to Arguments***

2. With respect to the objection to the drawings applicant state that the structure indicated by reference numeral "1" is an "enclosing structure" as recited in claim 1. However, as shown below in the Figure taken from applicant's drawings, reference numeral 1 appears to indicate a base upon which the printing structure is mounted:

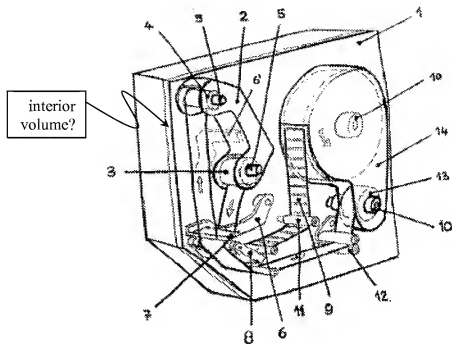


Fig. 3

If applicant is referring to the line which appears to go around the top of the mounting structure as the enclosing structure, this is not clearly shown in the drawings. Furthermore, this structure does not appear to enclose the printing structure as recited in the claim.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**enclosing structure**” as recited in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 5 is objected to because of the following informalities:
- In claim 5, line 5, it appears that "sad" should actually be --said--.
  - In claim 5, line 6, applicant recites that both the first hole and second hole correspond to the spool of printing ribbon. Due to the way the applicant has recited the holes with respect to the second cassette, it is believed that applicant intended the second occurrence of "spool" to be --take-up core--. In order to expedite examination, this is how the claim will be examined.

- In claim 5, line 15, it appears that the second occurrence of “and” should actually be --of--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaki *et al.* (US 6,317,156) in view of Oshino *et al.* (US 5,902,055) and Yamaguchi *et al.* (US 2002/0006303).

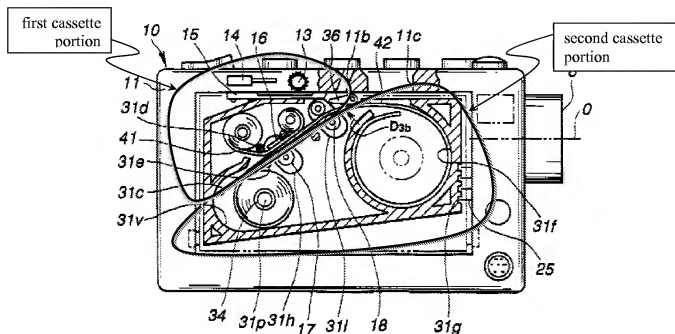
Nagasaki *et al.* discloses the claimed thermal transfer printer/labeler except for:

- a separate first cassette,
- a separate second cassette,

Additionally, Nagasaki *et al.* is silent on whether the drive roller includes rubber or not and whether the apparatus has a printhead adjustment arm integrally connected to the thermal printhead.

Nagasaki *et al.* discloses a thermal transfer printer apparatus comprising: an enclosing structure 11 having an interior volume; a thermal printhead 16 positioned in said enclosing structure 11; a first cassette portion positioned in said interior volume of said enclosing structure as shown below in the figure taken from Fig. 12 of Nagasaki *et al.*:

**FIG.12**



Nagasaki *et al.* further discloses said first cassette having a take-up core 33 and a spool 22 of printing ribbon 41 (also known as ink ribbon) therein (as shown in Fig. 3 of Nagasaki *et al.*), said first cassette having a first hole corresponding to said spool of printing ribbon and a second hole corresponding to said take-up core of printing ribbon (although Nagasaki *et al.* does not depict them, these holes are inherent so that the first cassette portion can receiving driving shafts 21 and 22 for feeding the printing ribbon as shown in Fig. 4 of Nagasaki *et al.*);

a first driving shaft 21 extending though through one of said first and second holes and extending outwardly of said enclosing structure so as to be suitable for receiving a driving force applied thereto;

a second cassette portion (as shown above) of an asymmetrical configuration positioned in said interior volume of said enclosing structure, said second cassette having a spool 34 of a

ribbon medium 42 and a take-up core 35 therein, said second cassette having a first hole and a second hole corresponding respectively to said spool of the ribbon medium and to said take-up core. At least a first hole is inherent so that the first cassette portion can receiving driving shaft 31p as shown in Fig. 4 of Nagasaki *et al.* In col. 11, lines 11-14, Nagasaki *et al.* discloses that a rotatable roller 35 may also be used for securing the recording tape. This roller would inherently have to have a drive shaft to accept the recording tape without jamming. In fact, Nagasaki *et al.* discloses a drive shaft 72q for a similar roller in another embodiment (Nagasaki *et al.*, col. 24, lines 11-12, see Fig. 40). Thus a second hole would be required for use with the rotatable roller 35.

Nagasaki *et al.* further discloses a second driving shaft 31p extending through one of said first and second holes of said second cassette (as shown in Fig. 11 of Nagasaki *et al.*) and of said enclosing structure so as to be suitable for receiving a driving force applied thereto, said thermal printhead 16 receiving the printing ribbon 41 and said ribbon medium 42 therein.

While Nagasaki *et al.* does not explicitly recited a printhead adjustment arm integrally connected to said thermal printhead and suitable for adjustably moving said thermal printhead in said enclosing structure, they do recite that the print head 16 may be advanced and retreated (Nagasaki *et al.*, col. 12, lines (48-53).

Oshino *et al.* teaches a printer for printing on ribbon medium including a thermal head 1 integrally attached to a printhead adjustment arm 28 as shown in Figs. 8a and 8b of Oshino and mentioned in col. 10, lines 4-8. It would have been obvious to combine the teaching of Oshino with the thermal transfer printer disclosed by Nagasaki *et al.* for the advantage of the u-shaped



groove 28a which engages the bearing 5 of the platen roller 2 for correctly positioning the print head with respect to the platen.

a series of idle rollers 31e, 19 (see Fig. 3 of Nagasaki *et al.*) mounted in said enclosing structure so as to receive the ribbon medium thereover;

a motorized roller 18 mounted in said enclosing structure in spaced relation to said series of idle rollers 31e, 19 said motorized rollers receiving the ribbon medium thereover; and

a drive roller 17 positioned adjacent said thermal printhead in said enclosing structure, said drive roller 17 receiving the ribbon medium thereover.

Yamaguchi *et al.* teaches a platen roller 65 that is made of rubber (Yamaguchi *et al.*, paragraph [0065]). It would have been obvious to combine the teaching of Yamaguchi *et al.* with the printer disclosed by Nagasaki *et al.* for the advantage of a platen that firmly grips the receiving ribbon and that elastically receives the thermal head as it is pressed against the platen.

Additionally, it is noted that Yamaguchi *et al.* teaches a first cassette 30 containing printing ribbon and a second cassette 20 containing ribbon medium as shown in Fig. 7 of Yamaguchi *et al.* In view of this teaching, it would have been obvious to separate the cassette 30 as disclosed by Nagasaki *et al.*, into separate first and second cassettes for the advantage of only needing to replace the cassette that needs replacing, for example, due to exhaustion of its supply. Furthermore, It has been held that making something separable is obvious if there is a motivation for separating that structure. In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of [the

prior art's] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose."). See MPEP § 21044.04, part V.

Thus it would have been obvious to separate the cassette 30 as disclosed by Nagasaki *et al.*, into separate first and second cassettes for the advantage of only needing to replace the cassette that needs replacing, for example, due to exhaustion of its supply.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel J. Colilla** whose telephone number is **571-272-2157**. The examiner can normally be reached on M and W, 7:30-5:00 and T, Th and F, 8:30-4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Judy Nguyen** can be reached at **571-272-2258**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 8, 2010

/Daniel J. Colilla/  
Primary Examiner  
Art Unit 2854